

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Amherst Historical Society, c/o Deenie Masters

Date application filed with the Town Clerk: June 20, 2007

Nature of request: A Special Permit to install a monument sign composed of two (2) granite blocks in excess of twelve (12) square feet, under Section 8.101 of the Zoning Bylaw

Address: 67 Amity Street (Map 14A, Parcel 35, R-G Zoning District)

Legal notice: Published on June 27 and July 4, 2007 in the Daily Hampshire Gazette and sent to abutters on June 28, 2007

Board members: Tom Simpson, Hilda Greenbaum and Jane Ashby

Submissions: The petitioner submitted a packet of information with the application which contained the site plan with the proposed location of the sign, the management plan for the area around the sign and photos of the granite blocks in semi-rough condition.

Town staff submitted: 1) a memo from the Fire Department dated 7/10/07 that commented on the angle of the sign positions; 2) a memo from the zoning assistant dated 7/13/07 discussing dimensional requirements for a sign in the R-G district, and 3) an email from the Planning Director stating that the Historical Commission reviewed the proposal on 7/16/07 and had no objection to the proposal.

Site Visit: July 18, 2007

The Board met with Ms. Masters at the site and observed the following:

- An old historic home set back from Amity Street 295 feet, while the other buildings along Amity Street are set back 25 to 30 feet;
- A large front yard to the museum that can accommodate granite boulders;
- The set back for the Jones Library sign next door, which is about 15 feet;
- The mix of uses in the immediate area - businesses, the Amherst Cinema, parking lots and a private lodge that are located across Amity Street, the Jones Library immediately to the east and the apartment building next door to the west along Amity Street;
- The location of the previous sign for the museum, which is approximately the same place as the proposed monument sign.

Public Hearing: July 19, 2007

Ms. Masters represented the Amherst Historical Society and the Amherst History Museum at the hearing. (The Historical Society is the group that manages the building, premises and collections of the Museum.) She stated the following:

- The Society is asking for signage in excess to the 12 square feet allowed in an R-G District;
- She has been a member of the Society's Board for two years, and in those 2 years, 2 wooden

identification signs for the Museum had been either vandalized beyond repair or outright stolen;

- The second sign was installed on a Thursday afternoon and bolted down with 3 six-inch bolts, and was gone by Friday night; a big vehicle drove over the yard too, leaving tracks;
- A few years earlier a third sign also was stolen;
- A sign identifying the museum is definitely needed because the house sits so far back from Amity Street;
- In considering a replacement, the Society's Board decided that, given the history, another wooden sign would not last;
- Each of the wooden signs had cost around \$800, so durability and cost was an issue for the sign replacement;
- A stone sign was considered because of the Jones Library's stone exterior, the granite sign across the street identifying the former location of the Amherst Academy, and the attractive granite sign for the Amherst College golf course;
- The applicant went to the Dorsey Memorial quarry in Athol and picked out two old granite blocks that had been discarded years ago ("historic");
- The stones currently are roughly cut, but will be planed and made more symmetrical if the Special Permit is issued; they also will be treated with a finish to protect against spray paint or graffiti;
- The letters of the sign are chiseled deep into the stone and are stained black so that they will be visible from the street;
- The applicant was not aware that a Special Permit was needed before she contracted for the sign, hence the semi-finished nature of the project;
- The sign will be placed near the edge of the property, close to the location of the previous sign, about 15 feet from the sidewalks along Amity and North Prospect Streets;
- The granite block that says "Amherst History Museum" will be parallel to Amity Street, and the vertical stone with the address will be at a slight angle to the street;
- The two stones will touch in order to produce an integrated sign;
- There will be no lights for the stones, and the ground light fixtures from the previous wooden sign will be removed;
- The ground lights that illuminate the sidewalk from Amity Street to the house are the only exterior lights on the grounds;
- Eighteen to thirty inches around the sign will be cleared and planted with low growing plants; daffodils in the spring would be quite attractive next to the granite stone color;
- The proposed sign will blend in with the Jones Library stone, and will be located at about the same distance from the sidewalk as the library sign;
- A post with a flag saying "open" is located by the sidewalk close by, about 10 feet from the sidewalk;
- The museum is open only occasionally, Wednesday through Saturday afternoon.

Ms. Greenbaum noted that the sign is larger than what the Zoning Bylaw permits in an R-G district without a Special Permit, but she is more concerned with the aesthetics than the size, and whether the stones will be buried in the ground as much as suggested (6-8"). Ms. Masters said that the stones will be buffed and the quarry cutting marks will be removed. The end product will be more symmetrical and smooth. Also the stones must be buried 6-8" according to Dorsey Memorials so that the stones will stay upright and will be secure. Having the underground foundation should discourage theft as well.

Ms. Ashby asked about the size of the letters. Ms. Master said that the lettering is 4 inches high for the "Amherst History Museum" horizontal stone, and the width of the space used for lettering about 36 inches

(about half of the stone's width.) The vertical stone's street name lettering is 4 inches high, and the street numbers are about 6 inches high.

Mr. Simpson asked if the applicant had given any thought to making the signs smaller. Ms. Masters said that the horizontal sign may be able to be sized down a bit, but not the vertical sign. Also, when the stones are planed down to make them smoother, they will also become smaller.

Ms. Ashby asked about the weight of the stones. Ms. Masters said that she did not know the weight, but it must be close to the maximum. The quarry will deliver the stones and install them with their machinery.

Mr. Simpson noted that Section 8.104 of the Zoning Bylaw states that signs must be 30 inches from the sidewalk and may be within in the front setback. Also, the sign must not be within the site triangle for a corner lot such as this lot.

Ms. Ashby made a motion to close the evidentiary portion of the hearing. Mr. Simpson seconded the motion and the vote was unanimous to close the evidentiary portion of the hearing.

Public Meeting:

Mr. Simpson asked if the Board would choose to waive the size limitation of 12 square feet for a sign as allowed by Special Permit in Section 8.101 of the Zoning Bylaw. Ms. Greenbaum made a motion to waive the size requirement; Ms. Ashby seconded the motion and the vote was unanimous to waive the 12 square feet upper limit for the size of signs in the R-G district.

Section 8.41 of the Zoning Bylaw states that an identification sign may be erected in any district where the Board finds that such signs will serve the public convenience, will not endanger the public safety, and will be of such size, location and design as will not be detrimental to the neighborhood.

Like the Historical Commission, the Board had no substantive objection to the proposal, but would have preferred the opportunity to review the design proposal in advance of its construction. The Board agreed that the sign will serve the public convenience since the house is located so far back on the lot and needs a sign near Amity Street. A granite sign should be sturdier, yet will not endanger the public safety and matches other stone in the immediate vicinity.

The Board stated that a final picture and location of the sign should be submitted to the Board and kept on file.

The Board approved the management plan and spent the remainder of the time during the public meeting discussing conditions for granting the Special Permit.

Findings:

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 and 10.381 – The proposal is suitably located in the neighborhood and is compatible with existing uses because there are other granite signs in the area and the immediate neighbor to the east, the Jones Library, is also built of stone. The sign location for the Amherst History Museum will be on a line with the library as well.

10.382 and 10.385 – The proposal would not constitute a nuisance and reasonably protects the adjoining premises against detrimental or offensive uses on the site because the sign will be sturdy and installed partly below ground, which should protect it against vandalism. The stones also will be treated with a finish that

will protect them against graffiti.

10.383 and 10.387 – The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians and the proposal provides convenient and safe vehicular and pedestrian movement within the site and in relation to adjacent streets because it will be placed far enough back from the corner in both directions so as to protect visibility of drivers at the intersection. It also will be placed about 15 feet from the Amity Street sidewalk, and several feet from the museum sidewalk, so that it will not interfere with pedestrian activity.

10.384 and 10.392 – Adequate and appropriate facilities would be provided for the proper operation of the proposed use because it will be maintained and landscaped by the History Society as described on the Management Plan approved by the Board at the public meeting.

10.391 – The proposal protects unique or important natural, historic or scenic features because the sign is not intrusive; it identifies an important historic home and will be located far enough away from the house so as not to intrude on the unique visual aspects of the house.

10.393 – The proposal provides protection of adjacent properties by minimizing the intrusion of lighting because there will be no lights associated with the granite sign.

10.395 – The proposal does not create disharmony with respect to the use, scale and architecture of existing buildings in the vicinity because there are other granite signs in the area, and the scale of the lettering is not overly large.

10.398 – The proposal is in harmony with the general purpose and intent of the Zoning Bylaw because it protects the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst. It will also promote the visibility of the Amherst History Museum and help ensure that the sign will not be vandalized again.

Public Meeting – Zoning Board Decision

Ms. Greenbaum made a motion to approve the new sign for the Amherst History Museum and to waive the sign limitation on size. Ms. Ashby seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit to install a monument sign composed of two (2) granite blocks in excess of twelve (12) square feet, under Section 8.101 of the Zoning Bylaw on the premises at 67 Amity Street (Map 14A, Parcel 35, R-G Zoning District), as requested in the application filed by the Amherst Historical Society, subject to conditions.

TOM SIMPSON

HILDA GREENBAUM

JANE ASHBY

FILED THIS _____ day of _____, 2007 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2007.
NOTICE OF DECISION mailed this _____ day of _____, 2007
to the attached list of addresses by _____, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2007,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit to install a monument sign composed of two (2) granite blocks in excess of twelve (12) square feet, under Section 8.101 of the Zoning Bylaw on the premises at 67 Amity Street (Map 14A, Parcel 35, R-G Zoning District), as requested in the application filed by the Amherst Historical Society, subject to the following conditions:

1. The petitioner shall submit to the Board for their records a plan or picture showing the final location and orientation of the stones that comprise the sign for the Amherst History Museum.
2. The stones shall be placed no closer than 30" to the sidewalks along Amity and North Prospect Streets and shall be outside of the sight triangle at the intersection of these two streets, as specified under Section 6.27 of the Zoning Bylaw.
3. Landscaping and maintenance of the sign shall be according to the Management Plan approved at the public meeting of the Board on July 19, 2007.

TOM SIMPSON, Chair
Amherst Zoning Board of Appeals

DATE